

House File 2660 - Introduced

HOUSE FILE _____
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 773)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5007HV 82
5 jm/jp/8

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2008, and ending June 30, 2009, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement,
1 12 and for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 9,437,720
1 15 FTEs 226.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 \$ 150,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of
1 29 not more than 22 FTEs and to provide maintenance for the
1 30 victim compensation functions of the department of justice.
1 31 As a condition of receiving the appropriation in this
1 32 lettered paragraph, the department of justice shall transfer
1 33 at least \$3,200,000 from the victim compensation fund
1 34 established in section 915.94 to the victim assistance grant
1 35 program.
2 1 As a condition of receiving the appropriation in this
2 2 lettered paragraph, the department of justice shall transfer
2 3 at least \$600,000 from the proceeds of forfeited property
2 4 delivered to the department pursuant to section 809A.17 to be
2 5 used for the victim assistance grant program.
2 6 c. For legal services for persons in poverty grants as
2 7 provided in section 13.34:
2 8 \$ 2,000,000
2 9 d. For the purpose of funding farm mediation services and
2 10 other farm assistance program provisions in accordance with
2 11 sections 13.13 through 13.24:
2 12 \$ 300,000
2 13 2. a. The department of justice, in submitting budget
2 14 estimates for the fiscal year commencing July 1, 2009,
2 15 pursuant to section 8.23, shall include a report of funding
2 16 from sources other than amounts appropriated directly from the
2 17 general fund of the state to the department of justice or to
2 18 the office of consumer advocate. These funding sources shall

2 19 include but are not limited to reimbursements from other state
2 20 agencies, commissions, boards, or similar entities, and
2 21 reimbursements from special funds or internal accounts within
2 22 the department of justice. The department of justice shall
2 23 also report actual reimbursements for the fiscal year
2 24 commencing July 1, 2007, and actual and expected
2 25 reimbursements for the fiscal year commencing July 1, 2008.

2 26 b. The department of justice shall include the report
2 27 required under paragraph "a", as well as information regarding
2 28 any revisions occurring as a result of reimbursements actually
2 29 received or expected at a later date, in a report to the co=
2 30 chairpersons and ranking members of the joint appropriations
2 31 subcommittee on the justice system and the legislative
2 32 services agency. The department of justice shall submit the
2 33 report on or before January 15, 2009.

2 34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 35 appropriated from the general fund of the state to the office
3 1 of consumer advocate of the department of justice for the
3 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
3 3 the following amount, or so much thereof as is necessary, to
3 4 be used for the purposes designated:

3 5 For salaries, support, maintenance, miscellaneous purposes,
3 6 and for not more than the following full-time equivalent
3 7 positions:

3 8 \$ 3,101,884
3 9 FTEs 27.00

3 10 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 11 1. There is appropriated from the general fund of the
3 12 state to the department of corrections for the fiscal year
3 13 beginning July 1, 2008, and ending June 30, 2009, the
3 14 following amounts, or so much thereof as is necessary, to be
3 15 used for the purposes designated:

3 16 For the operation of adult correctional institutions,
3 17 reimbursement of counties for certain confinement costs, and
3 18 federal prison reimbursement, to be allocated as follows:

3 19 a. For the operation of the Fort Madison correctional
3 20 facility, including salaries, support, maintenance, and
3 21 miscellaneous purposes:

3 22 \$ 44,512,509

3 23 b. For the operation of the Anamosa correctional facility,
3 24 including salaries, support, maintenance, and miscellaneous
3 25 purposes:

3 26 \$ 30,894,866

3 27 Moneys are provided within this appropriation for one full=
3 28 time substance abuse counselor for the Luster Heights facility
3 29 for the purpose of certification of a substance abuse program
3 30 at that facility.

3 31 c. For the operation of the Oakdale correctional facility,
3 32 including salaries, support, maintenance, and miscellaneous
3 33 purposes:

3 34 \$ 56,204,468

3 35 d. For the operation of the Newton correctional facility,
4 1 including salaries, support, maintenance, and miscellaneous
4 2 purposes:

4 3 \$ 27,841,158

4 4 e. For the operation of the Mt. Pleasant correctional
4 5 facility, including salaries, support, maintenance, and
4 6 miscellaneous purposes:

4 7 \$ 26,331,092

4 8 f. For the operation of the Rockwell City correctional
4 9 facility, including salaries, support, maintenance, and
4 10 miscellaneous purposes:

4 11 \$ 9,166,484

4 12 g. For the operation of the Clarinda correctional
4 13 facility, including salaries, support, maintenance, and
4 14 miscellaneous purposes:

4 15 \$ 25,078,365

4 16 Moneys received by the department of corrections as
4 17 reimbursement for services provided to the Clarinda youth
4 18 corporation are appropriated to the department and shall be
4 19 used for the purpose of operating the Clarinda correctional
4 20 facility.

4 21 h. For the operation of the Mitchellville correctional
4 22 facility, including salaries, support, maintenance, and
4 23 miscellaneous purposes:

4 24 \$ 15,878,663

4 25 i. For the operation of the Fort Dodge correctional
4 26 facility, including salaries, support, maintenance, and
4 27 miscellaneous purposes:

4 28 \$ 29,715,121

4 29 j. For reimbursement of counties for temporary confinement

4 30 of work release and parole violators, as provided in sections
4 31 901.7, 904.908, and 906.17, and for offenders confined
4 32 pursuant to section 904.513:

4 33 \$ 967,983
4 34 k. For federal prison reimbursement, reimbursements for
4 35 out-of-state placements, and miscellaneous contracts:
5 1 \$ 241,293

5 2 2. The department of corrections shall use funds
5 3 appropriated in subsection 1 to continue to contract for the
5 4 services of a Muslim imam.

5 5 3. It is the intent of the general assembly that if
5 6 \$382,288 in additional funding becomes available, the funds
5 7 will be appropriated for eight additional correctional officer
5 8 positions to be distributed between the Anamosa correctional
5 9 facility and the Mt. Pleasant correctional facility.

5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 11 1. There is appropriated from the general fund of the
5 12 state to the department of corrections for the fiscal year
5 13 beginning July 1, 2008, and ending June 30, 2009, the
5 14 following amounts, or so much thereof as is necessary, to be
5 15 used for the purposes designated:

5 16 a. For general administration, including salaries,
5 17 support, maintenance, employment of an education director to
5 18 administer a centralized education program for the
5 19 correctional system, and miscellaneous purposes:
5 20 \$ 5,050,732

5 21 (1) It is the intent of the general assembly that as a
5 22 condition of receiving the appropriation provided in this
5 23 lettered paragraph the department of corrections shall not,
5 24 except as otherwise provided in subparagraph (3), enter into a
5 25 new contract, unless the contract is a renewal of an existing
5 26 contract, for the expenditure of moneys in excess of \$100,000
5 27 during the fiscal year beginning July 1, 2008, for the
5 28 privatization of services performed by the department using
5 29 state employees as of July 1, 2008, or for the privatization
5 30 of new services by the department without prior consultation
5 31 with any applicable state employee organization affected by
5 32 the proposed new contract and prior notification of the co=
5 33 chairpersons and ranking members of the joint appropriations
5 34 subcommittee on the justice system.

5 35 (2) It is the intent of the general assembly that each
6 1 lease negotiated by the department of corrections with a
6 2 private corporation for the purpose of providing private
6 3 industry employment of inmates in a correctional institution
6 4 shall prohibit the private corporation from utilizing inmate
6 5 labor for partisan political purposes for any person seeking
6 6 election to public office in this state and that a violation
6 7 of this requirement shall result in a termination of the lease
6 8 agreement.

6 9 (3) It is the intent of the general assembly that as a
6 10 condition of receiving the appropriation provided in this
6 11 lettered paragraph the department of corrections shall not
6 12 enter into a lease or contractual agreement pursuant to
6 13 section 904.809 with a private corporation for the use of
6 14 building space for the purpose of providing inmate employment
6 15 without providing that the terms of the lease or contract
6 16 establish safeguards to restrict, to the greatest extent
6 17 feasible, access by inmates working for the private
6 18 corporation to personal identifying information of citizens.

6 19 b. For educational programs for inmates at state penal
6 20 institutions:
6 21 \$ 1,570,358

6 22 As a condition of receiving the appropriation in this
6 23 lettered paragraph, the department of corrections shall
6 24 transfer at least \$300,000 from the canteen operating funds
6 25 established pursuant to section 904.310 to be used for
6 26 correctional educational programs funded in this lettered
6 27 paragraph. In addition, as a condition of receiving the
6 28 appropriation made in this lettered paragraph, the department
6 29 of corrections shall expend, from the funds available to the
6 30 department, at least \$300,000 more in the fiscal year
6 31 beginning July 1, 2008, and ending June 30, 2009, than was
6 32 expended in the previous fiscal year, for correctional
6 33 education programs.

6 34 It is the intent of the general assembly that moneys
6 35 appropriated in this lettered paragraph shall be used solely
7 1 for the purpose indicated and that the moneys shall not be
7 2 transferred for any other purpose. In addition, it is the
7 3 intent of the general assembly that the department shall
7 4 consult with the community colleges in the areas in which the
7 5 institutions are located to utilize moneys appropriated in

7 6 this lettered paragraph to fund the high school completion,
7 7 high school equivalency diploma, adult literacy, and adult
7 8 basic education programs in a manner so as to maintain these
7 9 programs at the institutions.

7 10 To maximize the funding for educational programs, the
7 11 department shall establish guidelines and procedures to
7 12 prioritize the availability of educational and vocational
7 13 training for inmates based upon the goal of facilitating an
7 14 inmate's successful release from the correctional institution.

7 15 The director of the department of corrections may transfer
7 16 moneys from Iowa prison industries for use in educational
7 17 programs for inmates.

7 18 Notwithstanding section 8.33, moneys appropriated in this
7 19 lettered paragraph that remain unobligated or unexpended at
7 20 the close of the fiscal year shall not revert but shall remain
7 21 available for expenditure only for the purpose designated in
7 22 this lettered paragraph until the close of the succeeding
7 23 fiscal year.

7 24 c. For the development of the Iowa corrections offender
7 25 network (ICON) data system:

7 26 \$ 427,700

7 27 d. For offender mental health and substance abuse
7 28 treatment:

7 29 \$ 25,000

7 30 e. For viral hepatitis prevention and treatment:

7 31 \$ 188,000

7 32 2. It is the intent of the general assembly that the
7 33 department of corrections shall continue to operate the
7 34 correctional farms under the control of the department at the
7 35 same or greater level of participation and involvement as
8 1 existed as of January 1, 2008; shall not enter into any rental
8 2 agreement or contract concerning any farmland under the
8 3 control of the department that is not subject to a rental
8 4 agreement or contract as of January 1, 2008, without prior
8 5 legislative approval; and shall further attempt to provide job
8 6 opportunities at the farms for inmates. The department shall
8 7 attempt to provide job opportunities at the farms for inmates
8 8 by encouraging labor-intensive farming or gardening where
8 9 appropriate; using inmates to grow produce and meat for
8 10 institutional consumption; researching the possibility of
8 11 instituting food canning and cook-and-chill operations; and
8 12 exploring opportunities for organic farming and gardening,
8 13 livestock ventures, horticulture, and specialized crops.

8 14 3. The department of corrections shall provide a smoking
8 15 cessation program to offenders committed to the custody of the
8 16 director or who are otherwise detained by the department, that
8 17 complies with legislation enacted restricting or prohibiting
8 18 smoking on the grounds of correctional institutions.

8 19 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
8 20 SERVICES.

8 21 1. There is appropriated from the general fund of the
8 22 state to the department of corrections for the fiscal year
8 23 beginning July 1, 2008, and ending June 30, 2009, for the
8 24 treatment and supervision of probation and parole violators
8 25 who have been released from the department of corrections
8 26 violator program, the following amounts, or so much thereof as
8 27 is necessary, to be allocated as follows:

8 28 a. For the first judicial district department of
8 29 correctional services:

8 30 \$ 12,912,033

8 31 b. For the second judicial district department of
8 32 correctional services:

8 33 \$ 10,669,139

8 34 c. For the third judicial district department of
8 35 correctional services:

9 1 \$ 5,903,401

9 2 d. For the fourth judicial district department of
9 3 correctional services:

9 4 \$ 5,419,406

9 5 e. For the fifth judicial district department of
9 6 correctional services, including funding for electronic
9 7 monitoring devices for use on a statewide basis:

9 8 \$ 18,276,003

9 9 f. For the sixth judicial district department of
9 10 correctional services:

9 11 \$ 12,475,246

9 12 The sixth judicial district department of correctional
9 13 services shall maintain a youth leadership model program to
9 14 help at-risk youth. As a part of the program, the district
9 15 department may recruit college or high school students in the
9 16 judicial district to work with at-risk youth. The student

9 17 workers shall be recruited regardless of gender and be
9 18 recommended by their respective schools as good role models,
9 19 including but not limited to students who possess capabilities
9 20 in one or more of the following areas of ability:
9 21 intellectual capacity, athletics, visual arts, or performing
9 22 arts.

9 23 g. For the seventh judicial district department of
9 24 correctional services:

9 25 \$ 7,020,794

9 26 h. For the eighth judicial district department of
9 27 correctional services:

9 28 \$ 6,998,544

9 29 2. Each judicial district department of correctional
9 30 services, within the funding available, shall continue
9 31 programs and plans established within that district to provide
9 32 for intensive supervision, sex offender treatment, diversion
9 33 of low-risk offenders to the least restrictive sanction
9 34 available, job development, and expanded use of intermediate
9 35 criminal sanctions.

10 1 3. Each judicial district department of correctional
10 2 services shall provide alternatives to prison consistent with
10 3 chapter 901B. The alternatives to prison shall ensure public
10 4 safety while providing maximum rehabilitation to the offender.
10 5 A judicial district department of correctional services may
10 6 also establish a day program.

10 7 4. The governor's office of drug control policy shall
10 8 consider federal grants made to the department of corrections
10 9 for the benefit of each of the eight judicial district
10 10 departments of correctional services as local government
10 11 grants, as defined pursuant to federal regulations.

10 12 5. The department of corrections shall continue to
10 13 contract with a judicial district department of correctional
10 14 services to provide for the rental of electronic monitoring
10 15 equipment which shall be available statewide.

10 16 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 17 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 18 funds appropriated in this Act to the department of
10 19 corrections, the department may reallocate the funds
10 20 appropriated and allocated as necessary to best fulfill the
10 21 needs of the correctional institutions, administration of the
10 22 department, and the judicial district departments of
10 23 correctional services. However, in addition to complying with
10 24 the requirements of sections 904.116 and 905.8 and providing
10 25 notice to the legislative services agency, the department of
10 26 corrections shall also provide notice to the department of
10 27 management, prior to the effective date of the revision or
10 28 reallocation of an appropriation made pursuant to this
10 29 section. The department shall not reallocate an appropriation
10 30 or allocation for the purpose of eliminating any program.

10 31 Sec. 7. INTENT == REPORTS.

10 32 1. The department in cooperation with townships, the Iowa
10 33 cemetery associations, and other nonprofit or governmental
10 34 entities may use inmate labor during the fiscal year beginning
10 35 July 1, 2008, to restore or preserve rural cemeteries and
11 1 historical landmarks. The department in cooperation with the
11 2 counties may also use inmate labor to clean up roads, major
11 3 water sources, and other water sources around the state.

11 4 2. Each month the department shall provide a status report
11 5 regarding private-sector employment to the legislative
11 6 services agency beginning on July 1, 2008. The report shall
11 7 include the number of offenders employed in the private
11 8 sector, the combined number of hours worked by the offenders,
11 9 and the total amount of allowances, and the distribution of
11 10 allowances pursuant to section 904.702, including any moneys
11 11 deposited in the general fund of the state.

11 12 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
11 13 corrections shall submit a report on electronic monitoring to
11 14 the general assembly, to the co-chairpersons and the ranking
11 15 members of the joint appropriations subcommittee on the
11 16 justice system, and to the legislative services agency by
11 17 January 15, 2009. The report shall specifically address the
11 18 number of persons being electronically monitored and break
11 19 down the number of persons being electronically monitored by
11 20 offense committed. The report shall also include a comparison
11 21 of any data from the prior fiscal year with the current year.

11 22 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

11 23 1. As used in this section, unless the context otherwise
11 24 requires, "state agency" means the government of the state of
11 25 Iowa, including but not limited to all executive branch
11 26 departments, agencies, boards, bureaus, and commissions, the
11 27 judicial branch, the general assembly and all legislative

11 28 agencies, institutions within the purview of the state board
11 29 of regents, and any corporation whose primary function is to
11 30 act as an instrumentality of the state.

11 31 2. State agencies are hereby encouraged to purchase
11 32 products from Iowa state industries, as defined in section
11 33 904.802, when purchases are required and the products are
11 34 available from Iowa state industries. State agencies shall
11 35 obtain bids from Iowa state industries for purchases of office
12 1 furniture during the fiscal year beginning July 1, 2008,
12 2 exceeding \$5,000 or in accordance with applicable
12 3 administrative rules related to purchases for the agency.

12 4 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
12 5 from the general fund of the state to the office of the state
12 6 public defender of the department of inspections and appeals
12 7 for the fiscal year beginning July 1, 2008, and ending June
12 8 30, 2009, the following amounts, or so much thereof as is
12 9 necessary, to be allocated as follows for the purposes
12 10 designated:

12 11 1. For salaries, support, maintenance, miscellaneous
12 12 purposes, and for not more than the following full-time
12 13 equivalent positions:
12 14 \$ 21,749,296
12 15 FTEs 203.00

12 16 2. For the fees of court-appointed attorneys for indigent
12 17 adults and juveniles, in accordance with section 232.141 and
12 18 chapter 815:
12 19 \$ 31,282,538

12 20 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

12 21 1. There is appropriated from the general fund of the
12 22 state to the Iowa law enforcement academy for the fiscal year
12 23 beginning July 1, 2008, and ending June 30, 2009, the
12 24 following amount, or so much thereof as is necessary, to be
12 25 used for the purposes designated:

12 26 For salaries, support, maintenance, miscellaneous purposes,
12 27 including jailer training and technical assistance, and for
12 28 not more than the following full-time equivalent positions:
12 29 \$ 1,283,115
12 30 FTEs 30.05

12 31 It is the intent of the general assembly that the Iowa law
12 32 enforcement academy may provide training of state and local
12 33 law enforcement personnel concerning the recognition of and
12 34 response to persons with Alzheimer's disease.

12 35 The Iowa law enforcement academy may temporarily exceed and
13 1 draw more than the amount appropriated and incur a negative
13 2 cash balance as long as there are receivables equal to or
13 3 greater than the negative balance and the amount appropriated
13 4 in this subsection is not exceeded at the close of the fiscal
13 5 year.

13 6 2. The Iowa law enforcement academy may select at least
13 7 five automobiles of the department of public safety, division
13 8 of state patrol, prior to turning over the automobiles to the
13 9 department of administrative services to be disposed of by
13 10 public auction, and the Iowa law enforcement academy may
13 11 exchange any automobile owned by the academy for each
13 12 automobile selected if the selected automobile is used in
13 13 training law enforcement officers at the academy. However,
13 14 any automobile exchanged by the academy shall be substituted
13 15 for the selected vehicle of the department of public safety
13 16 and sold by public auction with the receipts being deposited
13 17 in the depreciation fund to the credit of the department of
13 18 public safety, division of state patrol.

13 19 Sec. 12. BOARD OF PAROLE. There is appropriated from the
13 20 general fund of the state to the board of parole for the
13 21 fiscal year beginning July 1, 2008, and ending June 30, 2009,
13 22 the following amount, or so much thereof as is necessary, to
13 23 be used for the purposes designated:

13 24 For salaries, support, maintenance, miscellaneous purposes,
13 25 and for not more than the following full-time equivalent
13 26 positions:
13 27 \$ 1,249,992
13 28 FTEs 18.50

13 29 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
13 30 appropriated from the general fund of the state to the
13 31 department of public defense for the fiscal year beginning
13 32 July 1, 2008, and ending June 30, 2009, the following amounts,
13 33 or so much thereof as is necessary, to be used for the
13 34 purposes designated:

13 35 1. MILITARY DIVISION
14 1 For salaries, support, maintenance, miscellaneous purposes,
14 2 and for not more than the following full-time equivalent
14 3 positions:

14 4 \$ 6,404,798
14 5 FTEs 306.43

14 6 The military division may temporarily exceed and draw more
14 7 than the amount appropriated and incur a negative cash balance
14 8 as long as there are receivables of federal funds equal to or
14 9 greater than the negative balance and the amount appropriated
14 10 in this subsection is not exceeded at the close of the fiscal
14 11 year.

14 12 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
14 13 a. For salaries, support, maintenance, miscellaneous
14 14 purposes, and for not more than the following full-time
14 15 equivalent positions:
14 16 \$ 2,271,581
14 17 FTEs 35.10

14 18 The homeland security and emergency management division may
14 19 temporarily exceed and draw more than the amount appropriated
14 20 and incur a negative cash balance as long as there are
14 21 receivables of federal funds equal to or greater than the
14 22 negative balance and the amount appropriated in this
14 23 subsection is not exceeded at the close of the fiscal year.

14 24 It is the intent of the general assembly that the homeland
14 25 security and emergency management division work in conjunction
14 26 with the department of public safety, to the extent possible,
14 27 when gathering and analyzing information related to potential
14 28 domestic or foreign security threats, and when monitoring such
14 29 threats.

14 30 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 31 appropriated from the general fund of the state to the
14 32 department of public safety for the fiscal year beginning July
14 33 1, 2008, and ending June 30, 2009, the following amounts, or
14 34 so much thereof as is necessary, to be used for the purposes
14 35 designated:

15 1 1. For the department's administrative functions,
15 2 including the criminal justice information system, and for not
15 3 more than the following full-time equivalent positions:
15 4 \$ 4,455,581
15 5 FTEs 39.00

15 6 2. For the division of criminal investigation, including
15 7 the state's contribution to the peace officers' retirement,
15 8 accident, and disability system provided in chapter 97A in the
15 9 amount of 17 percent of the salaries for which the funds are
15 10 appropriated, to meet federal fund matching requirements, and
15 11 for not more than the following full-time equivalent
15 12 positions:

15 13 \$ 21,121,120
15 14 FTEs 286.50

15 15 If any of the Indian tribes fail to pay for one full-time
15 16 equivalent position pursuant to the agreements or compacts
15 17 entered into between the state and the Indian tribes pursuant
15 18 to section 10A.104, subsection 10, the number of full-time
15 19 equivalent positions authorized under this subsection is
15 20 reduced by one full-time equivalent position.

15 21 The department shall employ one additional special agent
15 22 and one additional criminalist for the purpose of
15 23 investigating cold cases. Prior to employing the additional
15 24 special agent and criminalist authorized in this paragraph,
15 25 the department shall provide a written statement to
15 26 prospective employees that states to the effect that the
15 27 positions are being funded by a temporary federal grant and
15 28 there are no assurances that funds from other sources will be
15 29 available after the federal funding expires. If the federal
15 30 funding for the additional positions expires during the fiscal
15 31 year, the number of full-time equivalent positions authorized
15 32 in this subsection is reduced by two full-time equivalent
15 33 positions.

15 34 The department of public safety, with the approval of the
15 35 department of management, may employ no more than two special
16 1 agents and four gaming enforcement officers for each
16 2 additional riverboat or gambling structure regulated after
16 3 July 1, 2008, and one special agent for each racing facility
16 4 which becomes operational during the fiscal year which begins
16 5 July 1, 2008. One additional gaming enforcement officer, up
16 6 to a total of four per riverboat or gambling structure, may be
16 7 employed for each riverboat or gambling structure that has
16 8 extended operations to 24 hours and has not previously
16 9 operated with a 24-hour schedule. Positions authorized in
16 10 this paragraph are in addition to the full-time equivalent
16 11 positions otherwise authorized in this subsection.

16 12 3. For the criminalistics laboratory fund created in
16 13 section 691.9:
16 14 \$ 342,000

16 15 4. a. For the division of narcotics enforcement,
16 16 including the state's contribution to the peace officers'
16 17 retirement, accident, and disability system provided in
16 18 chapter 97A in the amount of 17 percent of the salaries for
16 19 which the funds are appropriated, to meet federal fund
16 20 matching requirements, and for not more than the following
16 21 full-time equivalent positions:

16 22 \$ 6,302,046
16 23 FTEs 82.00

16 24 b. For the division of narcotics enforcement for
16 25 undercover purchases:

16 26 \$ 123,343

16 27 5. For the division of state fire marshal, for fire
16 28 protection services as provided through the state fire service
16 29 and emergency response council as created in the department,
16 30 and for the state's contribution to the peace officers'
16 31 retirement, accident, and disability system provided in
16 32 chapter 97A in the amount of 17 percent of the salaries for
16 33 which the funds are appropriated, and for not more than the
16 34 following full-time equivalent positions:

16 35 \$ 3,991,394
17 1 FTEs 59.00

17 2 6. For the division of state patrol, for salaries,
17 3 support, maintenance, workers' compensation costs, and
17 4 miscellaneous purposes, including the state's contribution to
17 5 the peace officers' retirement, accident, and disability
17 6 system provided in chapter 97A in the amount of 17 percent of
17 7 the salaries for which the funds are appropriated, and for not
17 8 more than the following full-time equivalent positions:

17 9 \$ 49,688,777
17 10 FTEs 535.00

17 11 It is the intent of the general assembly that members of
17 12 the state patrol be assigned to patrol the highways and roads
17 13 in lieu of assignments for inspecting school buses for the
17 14 school districts.

17 15 7. For deposit in the sick leave benefits fund established
17 16 under section 80.42 for all departmental employees eligible to
17 17 receive benefits for accrued sick leave under the collective
17 18 bargaining agreement:

17 19 \$ 316,179

17 20 8. For costs associated with the training and equipment
17 21 needs of volunteer fire fighters:

17 22 \$ 669,587

17 23 Notwithstanding section 8.33, moneys appropriated in this
17 24 subsection that remain unencumbered or unobligated at the
17 25 close of the fiscal year shall not revert but shall remain
17 26 available for expenditure only for the purpose designated in
17 27 this subsection until the close of the succeeding fiscal year.

17 28 Notwithstanding section 8.39, within the funds appropriated
17 29 in this section the department of public safety may reallocate
17 30 funds as necessary to best fulfill the needs provided for in
17 31 the appropriation. However, the department shall not
17 32 reallocate an appropriation made to the department in this
17 33 section unless notice of the reallocation is given to the
17 34 legislative services agency and the department of management
17 35 prior to the effective date of the reallocation. The notice
18 1 shall include information about the rationale for reallocating
18 2 the appropriation. The department shall not reallocate an
18 3 appropriation made in this section for the purpose of
18 4 eliminating any program.

18 5 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 6 from the general fund of the state to the Iowa state civil
18 7 rights commission for the fiscal year beginning July 1, 2008,
18 8 and ending June 30, 2009, the following amount, or so much
18 9 thereof as is necessary, to be used for the purposes
18 10 designated:

18 11 For salaries, support, maintenance, miscellaneous purposes,
18 12 and for not more than the following full-time equivalent
18 13 positions:

18 14 \$ 1,504,036
18 15 FTEs 29.00

18 16 The Iowa state civil rights commission may enter into a
18 17 contract with a nonprofit organization to provide legal
18 18 assistance to resolve civil rights complaints.

18 19 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
18 20 DIVISION. There is appropriated from the wireless E911
18 21 emergency communications fund created in section 34A.7A to the
18 22 administrator of the homeland security and emergency
18 23 management division of the department of public defense for
18 24 the fiscal year beginning July 1, 2008, and ending June 30,
18 25 2009, an amount not exceeding \$200,000 to be used for

18 26 implementation, support, and maintenance of the functions of
18 27 the administrator and program manager under chapter 34A and to
18 28 employ the auditor of the state to perform an annual audit of
18 29 the wireless E911 emergency communications fund.

18 30 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.

18 31 Notwithstanding section 80B.11B, the Iowa law enforcement
18 32 academy may charge more than one-half the cost of providing
18 33 the basic training course if a majority of the Iowa law
18 34 enforcement academy council authorizes charging more than one=
18 35 half of the cost of providing basic training. This section is
19 1 repealed on June 30, 2009.

19 2 Sec. 18. Section 822.2, subsection 1, unnumbered paragraph
19 3 1, Code 2007, is amended to read as follows:

19 4 Any person who has been convicted of, or sentenced for, a
19 5 public offense and who claims any of the following may
19 6 institute, ~~without paying a filing fee,~~ a proceeding under
19 7 this chapter to secure relief:

19 8 Sec. 19. Section 904.108, subsection 4, Code 2007, is
19 9 amended to read as follows:

19 10 4. The director may expend moneys from the support
19 11 allocation of the department as reimbursement for replacement
19 12 or repair of personal items of the department's employees
19 13 damaged or destroyed by clients of the department during the
19 14 employee's tour of duty. However, the reimbursement shall not
19 15 exceed ~~one~~ three hundred ~~fifty~~ dollars for each item. The
19 16 director shall establish rules in accordance with chapter 17A
19 17 to carry out the purpose of this subsection.

19 18 EXPLANATION

19 19 This bill makes appropriations from the general fund of the
19 20 state for fiscal year 2008=2009 to the departments of justice,
19 21 corrections, public defense, and public safety, and the Iowa
19 22 law enforcement academy, office of consumer advocate, office
19 23 of the state public defender, board of parole, and Iowa state
19 24 civil rights commission.

19 25 The bill requires the department of corrections to use
19 26 \$300,000 from the canteen operating funds established pursuant
19 27 to Code section 904.310 for educational programs for inmates.

19 28 The bill provides that if additional funding becomes
19 29 available the funds will be appropriated for eight additional
19 30 correctional officer positions to be distributed between the
19 31 Anamosa correctional facility and the Mt. Pleasant
19 32 correctional facility.

19 33 The bill provides that if any of the Indian tribes fail to
19 34 fund one FTE position within the division of criminal
19 35 investigation of the department of public safety pursuant to
20 1 the agreements and compacts entered into between the state and
20 2 the Indian tribes, the number of authorized FTE positions
20 3 within the division is reduced by one FTE.

20 4 The bill also adds two FTE positions within the division of
20 5 criminal investigation of the department of public safety for
20 6 the purpose of investigating cold cases. The two additional
20 7 positions are funded by a federal grant, and are eliminated by
20 8 the bill if federal funding expires.

20 9 The bill specifies that a person filing a civil action for
20 10 postconviction relief pursuant to Code chapter 822, must pay a
20 11 filing fee.

20 12 The bill provides that the department of corrections may
20 13 reallocate appropriated funds between the institutions of the
20 14 department of corrections, the department's administration,
20 15 and the judicial district departments of correctional
20 16 services. The bill provides the department, prior to the
20 17 effective date of any reallocation, must provide notice to the
20 18 department of management, the legislative services agency, and
20 19 the district board of any judicial district department of
20 20 correctional services affected by the reallocation.

20 21 The bill provides that the department of public safety may
20 22 also reallocate the funds appropriated to the department
20 23 between the divisions of the department. The bill provides
20 24 that the department, prior to the effective date of any
20 25 reallocation, must provide notice of the reallocation to the
20 26 department of management and the legislative services agency.

20 27 The bill also appropriates moneys, not to exceed \$200,000,
20 28 from the wireless E911 emergency communications fund to the
20 29 homeland security and emergency management division for
20 30 implementation, support, and maintenance of the functions of
20 31 the administrator and program manager of the E911 emergency
20 32 system.

20 33 The bill addresses Code section 80B.11B to provide that for
20 34 FY 2008=2009 the Iowa law enforcement academy may charge a
20 35 department of the state, a member of a police force, or any
21 1 political subdivision of the state more than one-half of the

21 2 cost to provide the basic training course for a law
21 3 enforcement officer, provided a majority of the Iowa law
21 4 enforcement council approves such a charge. Current law
21 5 prohibits the Iowa law enforcement academy from charging more
21 6 than one-half of the cost of providing the basic training
21 7 course.
21 8 The bill amends Code section 904.108 to authorize the
21 9 department of corrections to reimburse employees for damage to
21 10 the personal property of the employee up to the amount of
21 11 \$300. Current law limits the reimbursement at \$150.
21 12 LSB 5007HV 82
21 13 jm/jp/8